

REMARKS

Claims 1-15 are all the claims pending in the application as new claims 13-15 are hereby added by this Amendment. Claims 13-15 are patentable, at least because of their dependency.

Claim Rejections - 35 U.S.C. § 102(b) - Claims 1-6, 8-9 and 12

The Examiner rejected claims 1-6, 8-9 and 12 as being anticipated by Matsubara. Applicant traverses this rejection as follows.

Matsubara is related to a recording apparatus having a recording head 34 comprised of 128 orifices positioned across the head. (cols. 12-13) The apparatus also includes a reading sensor 125, which obtains the density data of a test pattern for shading correction. (col. 16, lines 12-16).

In the Response to Arguments section of the Office Action, the Examiner alleges, “Applicant argues that Matsubara does not teach a detection means fixedly positioned in relation to the conveyance means.” (Office Action, pp. 2). However, Applicant submits that the Examiner has mischaracterized the argument as set forth in the Amendment of February 28, 2006.

In particular, Applicant submits that we did not argue that the detection means of Matsubara is not fixedly positioned in relation to the conveyance means. In contrast, Applicant argued that the read-out head 124 of Matsubara is not fixedly positioned in relation to the conveyed recording medium. (Amendment of Feb. 28, 2006, pp. 7).

Again, consistent with the previous Amendment, Applicant continues to submit that Matsubara fails to disclose “a detection means fixedly positioned in relation to said conveyed recording medium,” as recited in claim 1.

Regarding the read-out head 124, Matsubara shows in FIG. 1 the direction (B) of movement of the read-out head 124. Further, in the first embodiment of the invention the method of reading out a test pattern is described. In this embodiment, the scanning direction of the reading head is described as occurring in the Y-direction of FIG. 10. (col. 14, lines 3-7). Additionally, in the second embodiment, the reader part 224 moves in a direction denoted as the main scanning direction. (col. 17, lines 11-17; *see also* col. 16, lines 44-46). Therefore, Matsubara consistently supports the proposition that the read-out head 124 or reader part 224 perform a movable scan in relation to the recording sheet 121 or manuscript 202.

Thus, because Matsubara fails to disclose a detection means fixedly positioned in relation to said conveyed recording medium, Applicant submits that claim 1 is allowable. Furthermore, Applicant submits that claims 2-6, 8-9 and 12 are allowable, at least because of their dependency.

Claim Rejections - 35 U.S.C. § 103(a) - Claims 7 and 10-11

The Examiner rejected claims 7 and 10-11 as being unpatentable over Matsubara in view of Rolleston et al. (US 5,416,613; “Rolleston”). Applicant traverses this rejection as follows.

Rolleston is related to a method of calibrating the response of a printer to an image by measuring printer response characteristics in device independent terms.

Applicant submits, as noted above, Matsubara is deficient in that it fails to teach or suggest a detection means fixedly positioned in relation to said conveyed recording medium. The Examiner cites Rolleston as teaching that the reading of the color patches is clearly a slower operation than printing of the color patches. However, there is no express teaching that the relative speeds for printing and reading are the same as the Examiner suggests. Therefore, claims 7 and 10-11 are patentable for at least this reason. Moreover, Rolleston fails to teach or suggest anything that would compensate for the above-noted deficiencies with regard to Matsubara.

Moreover, for the sake of argument alone, even assuming one of ordinary skill in the art would combine Matsubara as suggested by the Examiner, any such combination fails to teach or suggest a detection means fixedly positioned in relation to said conveyed recording medium, as set forth in claim 1.

Thus, Applicant submits that claims 7 and 10-11 are allowable, at least because of their dependency from claim 1.

Conclusion

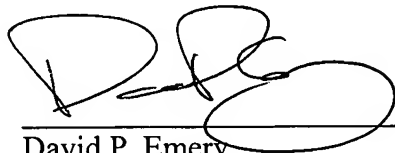
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
U.S. Appln No. 10/004,826

Atty Dkt No. Q66566

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. P. Emery', is written over a horizontal line.

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Date: July 28, 2006